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FISCAL IMPACT REPORT

SPONSOR Cervantes DATE TYPED 02/19/05 HB 494/aHCPAC

SHORT TITLE Jail Time Credit for First DWI Conviction SB _____

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB 282, HB 472, HB 492, HB 493, HB 502, HB 506, SB 154, SB 581, SB 587

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Attorney General (AGO)
 Department of Public Safety (DPS)
 Public Defender Department

SUMMARY

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee amendment removes the emergency clause.

Synopsis of Original Bill

House Bill 494 provides that jail time spent prior to a first conviction for DWI shall *not* be credited toward any imprisonment term. Current law provides that time served *shall* be credited toward an imprisonment term. This bill is an emergency measure to take effect immediately.

PERFORMANCE IMPLICATIONS

Both the Department of Transportation and the Department of Public Safety have performance measures related to reducing alcohol-related accidents, injuries and fatalities. To the extent the increased jail time provided in this bill serves to reduce recidivism or act as a deterrent to DWI, this bill could help the departments improve on these performance measures.

FISCAL IMPLICATIONS

There may be cost increases to county jails due to longer jail times.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Numerous bills have been introduced to combat New Mexico's DWI problem, including several that would amend the same sections amended in House Bill 494. Those bills include, House Bills 282, 472, 492, 493, and 506 and Senate Bills 154, 581, and 587.

OTHER SUBSTANTIVE ISSUES

Both the AG and the Public Defender Department raised the concern this bill could be open to constitutional challenges for a violation of equal protection and due process because the bill would treat DWI offenders differently than other offenders for purposes of sentencing.

EF/lg:yr